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January 14, 2011

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Via Facsimile (718) 613-2446

The Honorable I. Leo Glasser
 United States District Court
 Eastern District of New York
 225 Cadman Plaza East
 Brooklyn, New York, 11201

Re: United States of America v. Doe
 District Court Docket No. : 98CR1101 (ILG)
 Second Circuit Docket No. : 10-2905 cr
Our File No. : 07765.00155

Dear Judge Glasser:

I attach a notice from the U.S. Court of Appeals from the Second Circuit, instructing that we provide, *inter alia*, a certified copy of the docket entries in this matter. I have spoken with Deputy Clerk Toneta Sula, who advised that a briefing schedule shall be issued shortly.

I hereby request that all events that have occurred, all records that have been generated, and all documents that have been submitted in this case since its inception in 1998 be properly docketed immediately, so that we may comply with the directive of the Second Circuit.

I also remind your honor that the order to show cause at issue has been fully briefed since November 24th, and is awaiting decision. Since it is a matter of public record – by virtue of the open docket and public judicial records in the matter of *U.S. v. Lauria*, 98-CR-1102 (EDNY) – that Felix Sater pled guilty to racketeering and cooperated with the government’s investigation of his racketeering, securities-fraud, and money-laundering co-defendants, and since Bayrock’s general counsel widely circulated the documents at issue herein lawfully before any restraining order was ever issued by a court, these proceedings are moot. We again request your immediate decision on the pending OTSC.

Very truly yours,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP


 Richard E. Lerner

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Enclosure: Second Circuit's letter of January 14, 2011.

cc: **Via E-Mail**

Kelly Moore, Esq.
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Todd Kaminsky, Esq. – US Attorney's Office
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Arnold Bernstein, Esq.
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Via U.S. Mail and ECF

Toneta Sula, Deputy Clerk
U.S. Court of Appeals
40 Foley Square
New York, New York 10007

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: January 14, 2011
Docket #: 10-2905 cr
Short Title: United States of America v. Doe

DC Docket #: 1:98-cr-1101-1
DC Court: EDNY
(BROOKLYN)
DC Judge: Glasser

**NOTICE to APPELLANT'S COUNSEL
REQUESTING INDEX IN LIEU OF RECORD ON APPEAL
OR
RECORD ON APPEAL**

FRAP 10 and 11 and Local Rule 11 require that appellant file in the district court an electronic or paper index to the record on appeal, a certified copy of the docket entries, and the clerk's certificate in lieu of the record on appeal.

In the above-referenced case these documents were due 07/27/2010. To date they have not been transmitted. If this material is not received within 10 days of the date of this notice, a motion will be required to file it out of time.

Please note that if all the documents are not available (e.g. transcripts), the missing material may be forwarded subsequently in the form of a supplemental index or record on appeal.

Toneta Sula, Deputy Clerk
Telephone Number: 212-857-8513